

Nathan Ochsner, Clerk

In these two unrelated FLSA cases, I recently approved settlements and agreed to put under seal the settlement agreements. I have informed the parties in both cases that I am considering whether to unseal the respective settlement agreements. Although there are significant differences between these two cases, it makes sense to conduct one oral hearing to address the issues surrounding the propriety of sealing FLSA settlement agreements. The oral hearing will be

conducted by Zoom on Tuesday, February 2 at 9 am. My case manager, William Bostic, will provide the parties with a Zoom link.

At the hearing, I would like the parties to be prepared to address the following questions:

- Is Court-approval of an FLSA settlement required?
- "The overwhelming consensus of district courts that have considered the issue hold that an FLSA settlement cannot be sealed absent some showing that overcomes the presumption of public access." *Parrish v. Defender Sec. Co.*, No. 3:10-CV-2604-D, 2013 WL 372940, at \*1 (N.D. Tex. Jan. 31, 2013) (cleaned up). Are there any cases you are aware of in which a court sealed an FLSA settlement agreement and explained the reasoning behind doing so?
- Is there anything in the respective settlement agreements that the parties believe is confidential other than the actual sum paid to plaintiffs?
- For the Mannes cases, I am curious as to counsels' thoughts on how the inclusion of class action allegations in the case impacts the sealing issue.
- In the Mannes case, I would like CIS to respond to the argument that the settlement agreement should not be disclosed in this case because CIS and QIS are direct competitors.

See you next week (remotely).

SIGNED on this <sup>25<sup>th</sup></sup> day of January 2021.



ANDREW M. EDISON  
UNITED STATES MAGISTRATE JUDGE